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REMARKS

The examiner has determined that, after reviewing the application, a further restriction of the application is required.

The examiner has restricted the claims into five groups: group I, containing claims 1-28; group II, containing claim 29; group III, containing claims 30-32; group IV, containing claim 33; and group V, containing claim 34. Applicants elect, with traverse, group II, containing claim 32.

Upon election of one of the groups I-V, the examiner requires Applicants to elect one of species A-F, representing Figures 1-6, respectively. Applicants elect, with traverse, species F, representing Figure 6.

With regard to this election, Applicants make the following remarks:

It is unclear how to elect one of species A-F when Applicants have elected group II. The embodiments shown in the figures vary with regard to features that are not specified in claim 29. Thus, the difference between Figures 1 and 2 is that Figure 1 uses a shock tube (10) as the igniting device, whereas Figure 2 uses an electric match head (26). Otherwise, all other features are identical. This means that the initiating element, as recited in claim 29, is the same in Figures 1 and 2. Claim 29 does not include reference to any igniting device.

Likewise, the initiating element in the detonators shown in Figures 3-6 is the same as the initiating element used in Figures 1 and 2. The device shown in Figure 3 is the same as that shown in Figure 1 except that it does not include a delay element (15) and metal tube (16). These, however, are not features of the initiating portion of Figure 1.

With respect to Figure 4, the device shown is identical to that shown in Figure 1 except for the type of base charge which is used. However, the base charge is not a component of the initiating element.

With respect to Figure 5, this device is similar to that shown in Figure 2 except that the base charge has been removed. Again, the initiating element, as recited in claim 29, does not include a base charge as a component thereof.

With respect to Figure 6, the device shown is similar to that shown in Figure 4 (and thus Figure 1) with the exception that the base charge and transition portion have been removed.

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Claim 29 mentions a transition portion as an optional component, but this feature only peripherally relates to the examiner's election requirement.

Therefore, under the circumstances, it is inappropriate for Applicants to make a selection from the species A-F representing Figures 1-6.

Upon election of one of the groups A-F, the examiner requires Applicants to elect one of species a-c, representing the embodiments wherein the confinement sleeve is steel, copper, and stainless steel, respectively. Applicants elect, with traverse, species a, representing the embodiment wherein the confinement sleeve is steel.

The examiner originally required a further election of species i-v. However, after discussing this election with the examiner via a telephone conference on September 8, 2004, the examiner agreed that this election of species only applies when groups I, III or IV are elected. Since Applicants elected group II, this election is inapplicable.

The examiner further required applicants to elect a single species for three additional elements. For the initiating portion power explosive listed in claim 2, Applicants elect, with traverse, PETN; for the initiating portion high burn-rate pressurizing initiator material from those listed in claim 5, Applicants elect, with traverse, potassium picrate; and for the initiating portion additional material from those listed in claim 18, Applicants elect, with traverse, explosives.

After these elections, claim 29 remains for consideration by the examiner.

Applicants respectfully traverse this election/restriction requirement. An examiner may require Applicants to elect a species when an application contains generic claims. However, the examiner must make this requirement in the first action on the application containing the generic claim. See 37 C.F.R. § 1.146. The first action in this application was mailed on September 27, 2002, where the Office made an election/restriction requirement. Since then, there have been three other actions (not including the outstanding one) made by the Office on this application. In two of these actions, allowable subject matter was found. Therefore, it is improper for the Office to make an additional requirement at this relatively late stage of the prosecution.

Additionally, the general purpose of an election-of-species requirement is to assist the examiner with the search. See MPEP § 809. In this case, a complete search has already been

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undertaken by the examiner. Therefore, the purpose of having Applicants elect a species has been obviated by the Office's progression of the prosecution of this application.

Accordingly, for at least these reasons, Applicants believe this election/restriction requirement to be improper, unnecessary and respectfully traverse this requirement.

Respectfully submitted,
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